

**IDAHO REAL ESTATE COMMISSION
MEETING MINUTES**

March 13, 2008

Pursuant to notice given, the meeting of the Idaho Real Estate Commission (Commission) was held at Idaho Real Estate Commission, 633 N 4th Street, Boise, Idaho, on Thursday, March 13, 2008 at 8:30 a.m.

Commission Members Present:

Steve Kohntopp, Chair, Filer
Andy Enrico, Vice Chair, Boise
Kelly Fisher, Member, Pocatello
Pam Trees, Member, Lewiston
Comprising a quorum of the Commission

Members Absent:

Staff Present:

Jeanne Jackson-Heim, Executive Director
Craig Boyack, Chief Investigator
Mandy Frary, Education Director
Tammy Anderson, Administrative Assistant

Others Present:

Kim Coster, Commission Legal Counsel
See attached list

Meeting was called to order at 8:31 a.m. by Commission Chair, Steve Kohntopp.

Introductions:

- a. Commissioners
- b. Staff

Approval of Meeting Minutes: Motion was made by Kelly Fisher to approve the February 21, 2008 Commission meeting minutes. Motion carried.

Approval of Agenda: Motion was made by Kelly Fisher to approve the March 13, 2008 agenda. Motion carried.

Financial Reports: Motion was made by Kelly Fisher to approve the February 2008, Financial Reports. Motion carried.

Salesperson and Broker Licenses Issued: Members reviewed the salesperson and broker licenses issued during the month of February 2008, a copy of which has been made part of these minutes. Motion was made by Kelly Fisher to approve the report. Motion carried.

License Examination Statistics

Commissioners reviewed the license exam statistics report.

Staff Reports:

Enforcement:

The following reports were presented for members' review; copies of which are on file at the Commission office.

- **Complaint Summary Report**
- **Audit Summary Report**
- **Enforcement Telephone Activity Log**
- **Education Funds Awards**

Licensure:

The following reports were presented for members' review; copies of which are on file at the Commission office:

- **FY07-FY08 Analysis of Active & Inactive License Base**
- **On-Line Renewal Reports**

Information and Technology Reports:

Members reviewed the Information and Technology reports; copies of which are on file at the Commission Office.

Matters from Commissioners:

- **Posting Disciplinary Actions on IREC's Webpage:** The question was raised whether or not we can or should post disciplinary actions on IREC's webpage. It was stated by Kim Coster that Technology wise we can and legally we can. Discussion followed. Jeanne Jackson-Heim conveyed that people do request disciplinary action information and that it is available now upon request to the public. The Commissioners directed Jeanne to look into this issue further and find out how other states handle posting disciplinary actions.

Online Lottery Drawing: Naoma "Adaline" Bondurant (AB28343), from Lake Country Real Estate, Sandpoint, won the lottery drawing for March 13, 2008.

Commission's Counsel Report:

- **Re-Interference with Contract Language:** Kim Coster presented three alternative revisions to the License Law's prohibition against interference with the broker's contractual relationship. These revisions would broaden the current prohibition to include attempts to induce, or solicitation of, a breach of an existing brokerage agreement. Commissioners felt these revisions did not go far enough to protect the broker-client relationship, indicating that revisions to the law should also prohibit licensees from directly dealing with buyers and sellers who are already represented by another brokerage. Kim advise that a blanket prohibition could conflict with Idaho's existing statutory agency duties, but that such revisions could be drafted. Other states have such prohibitions within their license laws. Commissioners requested this issue be brought up for discussion at the next ARELLO meeting.

Idaho Association of REALTORS® Report: Jill Randall stated that IAR has postponed the fall GRI class until winter. The new schedule will be posted on IAR's website. Jeanne Jackson-Heim gave a Legislative update on IAR's Bill to clarify sale prices are not confidential client information; it has passed the Senate and is on the House floor for third reading.

Education:

- **Approval of RFP for Testing:** Mandy Frary presented the final draft of the RFP that will be sent out to providers. Discussion followed.
- **Request to Attend REEA Conference:** Mandy requested permission to attend REEA Conference in June. Discussion followed. A motion was made by Andy Enrico to approve travel expenses in accordance with proposed Travel Budget presented today for Mandy Frary to attend the REEA Conference. Motion carried.
- **Raising Distance Education Standards for Instructors:** Reviewed the ARELLO requirements for distance education instructors.
- **BCOO & Broker Management Update:** Subject Matter Experts and interns continue to work on these courses.
- **Core 2008 Update: Subjects:** The content for Core is set. The instructors have been identified and materials are due April 1.
- **IDW Update:** The registration form has been sent out to all providers, instructors and designated brokers and is available online. We have already received several registrations.

Executive Director's Report:

- **Legislative Update:** Jeanne Jackson-Heim reported that all Bills have passed the Senate. S1251 IAR/IREC Education Bill and S1257 IREC Housekeeping Bill have now passed third reading on the House floor and go to the Governor for signature. All rules have been approved with the exception of 500(8) (part of the minimum teaching standards). Our entire budget as recommended by the Governor was approved with the addition of funds requested for scanning back files.
- **Online Service Update:** IREC continues to work on the online services and hopes to launch within the next couple of weeks.

Education Funds Awards and Petitions:

There was a discussion on the need for guidelines to decide requests for Education Funds Awards. Mandy Frary will have a draft at the next meeting. After review and discussion on the Funds Awards applications and the recommendations of the Education Council, a motion was made by Pam Trees to adopt the Council's recommendations and to grant and deny requests for Education Funds Awards as follows:

08-041: The Idaho Association of REALTORS® statewide CORE course was approved as requested for next fiscal year in the amount of (\$19,890.00) Nineteen Thousand Eight Hundred Ninety Dollars.

08-042: The Idaho Association of REALTORS® statewide RESPA course was approved for (\$15,000) Fifteen Thousand Dollars to be paid in advance, the balance of the request to be determined at July's Meeting.

08-043: Idaho Career Institute, David Knox Seminar was denied.

08-048: Greater Idaho Falls Association of REALTORS® Cracking the Code course in Idaho Falls was approved as requested in the amount of (\$ 2,097.00) Two Thousand and Ninety Seven Dollars.

08-049: Odyssey Real Estate School, Inspections and Fair Housing course request is continued to next meeting.

08-050: Magic Valley Realty, Achieving Success in a Changed Market course in Twin Falls was approved as requested in the amount of (\$2,500.00) Two Thousand Five Hundred Dollars.

08-051: Idaho Real Estate Commission, Mortgage Fraud DVD was approved as requested, in an amount not to exceed (10,000.00) Ten Thousand Dollars.

08-052: Preferred Properties, CRS 201 course request was denied.

08-053: Ada County Association of REALTORS®, Professional Standards Training course request was sent back for clarification.

Kelly Fisher recused himself from the discussion and the vote. Motion carried.

Executive Session: In accordance with section 67-2345 (1)(d), Idaho Code, a motion was made by Pam Trees to adjourn to executive session to review special request licensure submitted pursuant to Section 54-2022(2) & (6), Idaho Code. Motion carried. Members reviewed special request.

Regular Session: There being no further purpose for an executive session, a motion was made by Andy Enrico to adjourn the executive session. Motion carried.

Petition for Review # 08-054 – Request for Special Consideration seeking Certification of Course Content as within the Topic Area Approved for Continuing Education Credit 54-2036: Following discussion and review of the documents submitted, a motion was made by Kelly Fisher to approve, subject to deleting references to specified products in the title and course material. Motion carried.

Special Considerations & Felony Exemptions:

In accordance with section 67-2345 (1)(d), Idaho Code, a motion was made by Andy Enrico to adjourn to executive session to review special request licensure files and requests for felony exemption submitted pursuant to Section 54-2012, Idaho Code. Motion carried. Members reviewed exempt records submitted by petitioners in support of the requests for special consideration and felony exemptions.

Regular Session: There being no further purpose for an executive session, a motion was made by Pam Trees to adjourn the executive session. Motion carried.

Special Consideration #08-003 - Exemption for Review 54-2012(2)(a). Following discussion and review of the documents submitted, motion was made by Pam Trees to approve the request for felony exemption. Motion carried.

Special Consideration #08-004 Exemption for Review 54-2012(2)(a). Following discussion and review of the documents submitted, motion was made by Pam Trees to approve request. Motion carried.

Special Consideration #08-005 Waive 5 year requirement for Revoked license 54-2012(1)(d). Following discussion and review of the documents submitted, motion was made by Kelly Fisher to deny request. Motion carried.

Special Consideration #08-006 Waive 5 year requirement for Revoked license 54-2012(1)(d). Following discussion and review of the documents submitted, motion was made by Kelly Fisher to deny request. Motion carried.

Executive Session: In accordance with section 67-2345 (1)(d) & (f), Idaho Code, a motion was made by Andy Enrico to adjourn to executive session to review probable cause memoranda submitted pursuant to Section 54-2058(1), Idaho Code. Motion carried. Members reviewed probable cause memoranda.

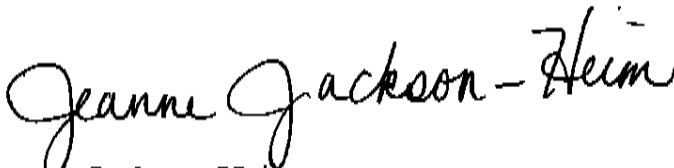
Regular Session: There being no further purpose for an executive session, a motion was made by Pam Trees to adjourn the executive session. Motion carried.

Probable Cause Memo # 07-39800 A motion was made by Kelly Fisher finding that the facts set forth in the memorandum of probable cause provided to them by the Executive Director, pursuant to Section 54-2058(1), are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Motion carried.

Probable Cause Memo # 07-39801 A motion was made by Kelly Fisher finding that the facts set forth in the memorandum of probable cause provided to them by the Executive Director, pursuant to Section 54-2058(1), are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Motion carried.

There being no further business, motion was made by Steve Kohntopp to adjourn the meeting at 2:27 p.m. Motion carried.

Respectfully Submitted,

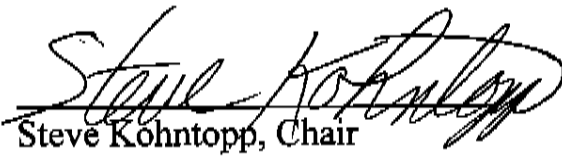


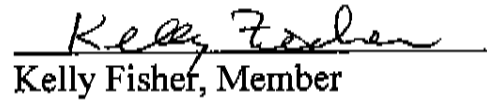
Jeanne Jackson-Heim
Executive Director

JJH: tla

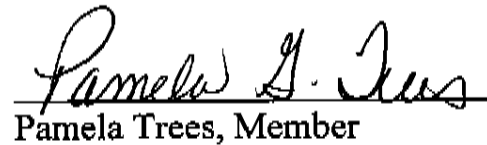
Attachments: Licenses Issued February 2008
FY07-FY08 Analysis of Active & Inactive License Base
Online License Reports
Complaint Summary Report
February 2008, Financial Reports
Information and Technology Reports

Minutes of the Idaho Real Estate Commission meeting in Boise, Idaho, on March 13, 2008, are hereby approved.


Steve Kohntopp, Chair


Kelly Fisher, Member


Andy Enrico, Vice Chair


Pamela Trees, Member